

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ROBBIE FIELDS,
Petitioner,

v.

21-cv-423 - jdp

GARY BOURGTON,
Respondent.

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PETER OPPENHEIMER
CLERK US DIST COURT
WD OF WI

NOTICE OF APPEAL

Now comes Robbie Fields, Pro Se, appealing the decision of Fields petition for a writ of habeas corpus under 28 U.S.C. 2254 and denial of a certificate of appealability, pursuant to 28 U.S.C. 1331. Fields is seeking a COA on the following:

I. Fields fourteenth amendment due process right to a fair trial were violated when Milwaukee Police officer Jonathan Jenkins manufactured a fabricated police report stating that Fields confessed to "Killing someone a couple of nights ago on Mineral Street" then forwarded the fabricated police report to prosecutors. The prosecutors used the fabricated police report and testimony from officer Jenkins which likely influenced the jury to convict Fields.

11. Fields sixth amendment right to effective assistance of counsel were violated when trial counsel:

A. Failed to impeach Officer Jenkins with the photographs that officer Jenkins took on March 10, 2015 after testifying that he was not personally involved in the homicide investigation on 17th and Mineral Street prior to March 11, 2015.

B. Failing to impeach Kayla Gutschs with her pending charge.

C. Failing to adequately impeach Tyron Davis.

D. Waiving the reading of the criminal complaint at the preliminary hearing stage.

A claim can be debatable even though every jurist of reason might agree, after the COA has been granted and the case has received full consideration, that petitioner will not prevail. Buck v. Davis, 137 S. Ct. 759 (2017) Also, a court may grant a COA even if it might ultimately conclude that the underlying claim is meritless, so long as the claim is debatable. Miller-El, Supra, at 336, 123 S. Ct. 1029

Conclusion

For reasons stated above, Fields hopes and prays the court grant a COA.

Signed on the 18th day of November 2021
Robert Fields Wisconsin Secure Program facility, P.O. BOX 1000 Boscobel, WI 53805